

## Message Text

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PAGE 01 ACCRA 01341 180604Z  
ACTION AF-10

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L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 USIA-06  
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EO 11652: NA  
TAGS: SHUM, GH  
SUBJ: POLITICAL PRISONERS IN GHANA

REF: (A) ACCRA 0284 (B) ACCRA 0411

1. ON FEBRUARY 16, DCM AND POLOFF CALLED ON DIRECTOR OF PUBLIC PROSECUTIONS K. GYEKE-DAKO TO GET HIS VIEWS ON CHARGES BY GHANA BAR ASSOCIATION THAT 451 POLITICAL PRISONERS ARE BEING HELD HERE.

2. GYEKE-DAKO REPEATED WHAT HEAD OF STATE ACHEAMPONG SAID AT HIS ANNUAL PRESS CONFERENCE (REF A) AND WHAT ATTORNEY GENERAL KORANTENG-ADDOW TOLD AMBASSADOR ON JANUARY 16 (REF B) -- THAT ALMOST ALL OF THESE PRISONERS ARE HARDENED CRIMINALS WHO ARE BEING HELD TO PROTECT SOCIETY. AFTER CAREFUL REFLECTION MCN GYEKE-DAKO SAID HE KNEW OF ONLY 26 DETAINEES WHO COULD BE CONSIDERED POLITICAL PRISONERS. THESE ARE PLOTTERS WHO HAVE BEEN TRIED AND CONVICTED BY MILITARY TRIBUNALS FOR THEIR ROLES IN THE FIVE COUP PLOTS DETECTED SINCE ACHEAMPONG CAME TO POWER IN 1972

TWENTY-ONE OF THESE PRISONERS HAVE HAD THEIR SENTENCE COMMUTED FROM DEATH TO LIFE IMPRISONMENT.

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REMAINING FIVE ARE STILL UNDER DEATH SENTENCE BUT WILL ALMOST CERTAINLY HAVE SENTENCES COMMUTED, TOO. THERE HAVE BEEN NO EXECUTIONS IN GHANA SINCE 1968. GYEKE-DAKO SPECULATED ALL COUP PLOTTERS WOULD BE RELEASED IF A NEW GOVERNMENT (UNION GOVERNMENT) IS INSTALLED IN MID-1979.

3. GYEKE-DAKO ELABORATED ON POLICE PROCEDURES FOR DE-

TAINING CRIMINALS. WHEN A CRIME IS COMMITTED IN A GIVEN AREA, POLICE CONSULT LISTS OF TWO-TIME OFFENDERS AND ROUND UP THOSE KNOWN TO FREQUENT THAT AREA. IF GUILTY PARTIES ARE IDENTIFIED (OFTEN BY THEIR FELLOW DETAINEES), REMAINDER ARE FREED. IF NOT, ALL ARE HELD UNTIL CASES CAN BE REVIEWED BY DIRECTOR OF PUBLIC PROSECUTIONS, WHO TRIES TO DETERMINE WHETHER INDIVIDUALS ARE LIKELY TO RETURN TO A LIFE OF CRIME IF RELEASED. ASKED WHETHER THIS PROCESS WAS NOT A BIT UNFAIR TO THE INNOCENT, GYEKE-DAKO IMPLIED THAT IT WAS BUT ADDED THAT MOST EX-CRIMINALS ARE STILL LIVING OUTSIDE THE LAW; KEEPING THEM OFF THE STREETS FOR A YEAR OR TWO THUS HELPS PROTECT THE PUBLIC.

4. COMMENT: DUE CHIEFLY TO PRODDING BY BAR ASSOCIATION (WHICH HAS FILED SUIT AGAINST GOG FOR RELEASE OF 451 PRISONERS), GOG HAS NOW ORDERED RELEASE OF AT LEAST 178 OF THOSE DETAINEES. IN ADDITION, IN EXECUTIVE INSTRUMENTS DATED JANUARY 31, 1978, GOG HAS ALSO ORDERED RELEASE OF ALL PRISONERS WHO HAVE BEEN HELD SINCE 1972 IN PREVENTIVE CUSTODY. IT IS DIFFICULT TO SAY HOW MANY PRISONERS HAVE ACTUALLY BEEN RELEASED AT THIS TIME, BUT WE THINK GOG IS LETTING THEM OUT WITH ALL DELIBERATE SPEED.

5. ON BALANCE, WE ARE INCLINED TO AGREE WITH OFFICIAL LINE THAT RELATIVELY FEW POLITICAL PRISONERS ARE NOW BEING LIMITED OFFICIAL USE

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HELD HERE. TO OUR KNOWLEDGE, BAR ASSOCIATION HAS NO EVIDENCE THAT 451 DETAINEES WERE BEING HELD FOR POLITICAL OFFENSES. ITS SUCCESS IN GETTING GOG TO RELEASE PRISONERS SEEMS DUE ALMOST ENTIRELY TO ITS COGENT ARGUMENT THAT MANY PRISONERS ARE BEING HELD ILLEGALLY, I.E., THEY ARE NOT COVERED BY SPECIFIC PREVENTIVE DETENTION DECREES. ON BASIS OF OUR PRESENT KNOWLEDGE, WE WOULD THEREFORE GIVE GOG A FAIRLY CLEAN BILL OF HEALTH (PARTICULARLY BY AFRICAN STANDARDS) ON POLITICAL PRISONER QUESTION. SMITH

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## Message Attributes

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**Decaption Note:** 25 YEAR REVIEW  
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